

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 16, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of March 9, 2015, reported having done so, found same correct.

Seconded by Eskridge and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**PUBLIC HEARING**

AUTHORIZING ACCEPTANCE OF THE LOW BID TO BRYNE & JONES, WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR THE 36TH & GLADSTONE PAVING DISTRICT NO. 2631 - Roger Figard, Public Works, came forward and stated that he was unable to attend the most recent meeting with property owners.

Erin Sokolik, Public Works, came forward and stated she was able to attend the meeting. Five of the seven property owners were present and she gave a brief update on that meeting.

Mr. Figard, stated he went back through and checked water items, sanitary sewer items and storm sewer items that the City could subsidize and not assess those cost. This removed about \$58,000 to \$59,000 of improvements that could be picked up by the appropriate utility. The original estimated cost for this project came in at \$295,000 with the bid and other items, it increased to \$412,000. After considering subsidy's they were able to subtract out, it lowered the cost to, \$353,200. The estimated assessment cost on the property for Jay Standly went from \$7,700 to \$9,200. The estimated assessment cost on the property for Ron Beemann went from \$35,000 to \$41,900. Figard said that you cannot have two different rates for the same district. He stated if Council were to vote no on this project it would not move ahead and the contract would be cancelled. An option would be for the property owner to go through a private developer, where they would be responsible for cost and there would be no assessment. Discussion followed.

Don Taute, City Law Dept, came forward and stated that when this was bid it came in 25% over. The Board of Equalization would make the final determination after the final project is completed in regards to subsidies to the residential properties. He said this was first brought to a Special Assessment Revolving Committee in May of 2012 and has been sitting out there for almost 3 years. This may account for the escalated cost seen now.

Mike Ayars, President of Ayars & Ayars Inc, 2436 N 48<sup>th</sup> St, came forward in support of this Paving District. He stated he has followed all the rules required, but is not willing to pay the entire cost. He would like to move on this.

Ron Beeman, 3520 Gladstone, came forward in opposition of this Paving District. He said he is being assessed two thirds of the value of his house. He stated he has already paid for water and sewage when he moved into the home, including the fire hydrants.

Jay Standly, 3500 Gladstone, came forward in opposition of this Paving District. He stated this would be a financial burden and he will owe more than what his property is valued at.

Susan Woita, 8700 Pearl Rd, came forward in opposition of this Paving District. She was notified by Public Works of the increased assessment which will create a hardship for small business owners as well as residential property owners. She stated that Ayars & Ayars has been trying to get this project pushed through since 2002 but has been unable to get the majority passed. She said just because it is legal does not make it right.

Jim Woita, 8700 Pearl Rd, owner of J & J Diesel at 3430 N 35<sup>th</sup> St, came forward in opposition of this Paving District. He stated the only business this Paving District would benefit would be for Ayars & Ayars. The assessment cost would be a hardship for his business, and he ask Council to vote against this Paving District.

Jim Olston, 6401 N 7<sup>th</sup> St, owner of Olston Business Properties, LLC at 3450 N 35<sup>th</sup> Circle, came forward and stated this is a road to nowhere and he doesn't need it. Paving that road would not benefit him and he just anticipates his taxes going up. He believed it will be a waste of \$50,000.

Mr. Figard stated that if Ayars & Ayars were to do the construction themselves, they would not be able to if the area was Vacated, but they could build a driveway. He said if there was a public easement, they could build a private road, but it would need to meet the same standards as a public road. It would also be necessary to go through some land use and platting issues with the Planning Dept.

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He said the bid was taken on January 28, 2015 and is good for 60 days, at that point the contractor can legally say they no longer want to do the contract. The City may have to rebid the project and cost could go up or down. Discussion followed.

Council Member Fellers made a motion to delay Public Hearing for one week. This motion was seconded by Council Member Gaylor Baird.

Mr. Taute stated that if Council voted against this project, it would be essentially dead. However, the District does not go away just the construction of it until it could be rebid.

Mr. Figard stated they could contact the contractor regarding the current bid regarding a delay. Public Works, Planning, the City Law Department and Mr. Ayars could meet to talk about the details regarding a potential Vacation.

City Clerk took a vote on this motion which was carried 6 to 1 with Council Chair Emery dissenting.

This matter was taken under advisement.

**\*\*FELLERS left Council Chambers at 3:20 p.m.\*\***

**\*\*FELLERS returned to Council Chambers at 3:23 p.m.\*\***

**\*\*GAYLOR BAIRD left Council Chambers at 3:27 p.m.\*\***

**\*\*GAYLOR BAIRD returned to Council Chambers at 3:30 p.m.\*\***

**ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16-28, 2015** - Charles Bitker, 5644 NW 14<sup>th</sup> St, came forward and stated that on February 6<sup>th</sup>, while driving eastbound on Superior, a pothole damaged both tires on the passenger side of his vehicle. He said the potholes on the westbound side were marked but these were not. His claim was denied and he was questioning why.

Jeff Kirkpatrick, City Attorney, came forward and stated that the City Law Department looks at when the pothole was reported, when the damage occurred, and when the pothole was fixed. This pothole was reported on February 5<sup>th</sup>, Mr. Bitker's damage to his vehicle occurred on February 6<sup>th</sup>, and the pothole was filled on February 9<sup>th</sup>. Four to five days is considered reasonable, given two key factors. One, the huge number of potholes that occurred almost simultaneously, and two, the weather conditions that could hinder repair of these potholes. He said in this instance it was not unreasonable for repair to take 4 to 5 days. It was not practical repairing the potholes the same time The City is clearing the snow and ice from City streets. If it's not practical, the City is not negligent. If we are not negligent, then we don't pay those claims. Kirkpatrick said what the City looks at is if there was a reasonable period of time to fill those potholes and if we failed to act reasonably before any damage occurred. This is the analysis that the City looks at when we receive a pothole claim. Discussion followed.

This matter was taken under advisement.

**APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST** - Jerry Shorney, Parks and Recreation Dept., came forward to request a continuance of Public Hearing and Action for 1 week due to some conflicting language in this agreement that is not as standard as in other contracts.

This matter was taken under advisement.

**APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA GAME AND PARKS COMMISSION FOR A RECREATIONAL TRAILS PROGRAM PROJECT GRANT TO FUND CONSTRUCTION OF THE PIONEERS PARK TRAIL - PHASE III** - Terry Genrich, Parks and Recreation Dept., stated last fall this came before Council and they were given approval to apply for this grant. The City found out in January they were awarded funding for this project. The matching funds are not City tax dollars so they could go back to the donors to receive additional funds if needed. Discussion followed.

This matter was taken under advisement.

**\*\*COOK left Council Chambers at 4:23 p.m.\*\***

**\*\*COOK returned to Council Chambers at 4:28 p.m.\*\***

**APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY RELATING TO THE COMPLETION OF VARIOUS ROAD GRADING, ROAD PAVING, ROAD MAINTENANCE, RESTORATION, RESURFACING, AND REHABILITATION PROJECTS INVOLVING SECTIONS OF ROADWAY LOCATED BOTH INSIDE CITY LIMITS AND COUNTY LIMITS** - Roger Figard, Public Works, stated this is a reciprocal agreement between the City and County for reimbursement of overlays as necessary.

Pam Dingman, Lancaster County Engineer, stated with our departments working together, we will get a more efficient infrastructure. This will allow a consistent and continuing line of pavement where we have meandering boundaries.

This matter was taken under advisement.

ANNEXATION 15001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22.5 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 94TH STREET AND ADAMS STREET. (RELATED ITEMS: 15-36, 15-37) (3/2/15 - PUBLIC HEARING DELAYED TO 3/16/15);

CHANGE OF ZONE 05054B - APPLICATION OF STAROSTKA-LEWIS, TO AMEND THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT TO EXPAND THE AREA OF THE PUD, BY CHANGING THE ZONING FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD AND FOR APPROVAL OF AMENDMENTS TO THE DEVELOPMENT PLAN TO ALLOW FOR AN ADDITIONAL 155 LOTS FOR RESIDENTIAL DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT NORTH 90TH STREET AND ADAMS STREET. (RELATED ITEMS: 15-36, 15-37) (3/2/15 - PUBLIC HEARING DELAYED TO 3/16/15) - Mike Eckert, Civil Design Group, 8535 Executive Woods Dr., #200, representing Starostka-Lewis, LLC, came forward and stated that the amendments to the PUD have been approved by the Planning Commission. Discussion followed.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND BLACK HILLS ENERGY FOR THE COMPANY TO OCCUPY AND USE A PARCEL OF PROPERTY FOR A GAS REGULATING STATION IN COOPER PARK AT APPROXIMATELY SOUTH 6TH AND D STREETS  
CLERK read the following resolution, introduced by Trent Fellers, who moved it adoption:

A-88802 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the License Agreement between the City of Lincoln and Black Hills Energy for the company to occupy and use a parcel of property in Cooper Park at approximately South 6th and D Streets for a gas regulating station, which Agreement is attached hereto, marked as Attachment "A" and made a part hereof by reference, upon the terms and conditions as set forth in said Agreement, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one executed original Agreement to Parks and Recreation Department, for transmittal to Black Hills Energy.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALAMAR UNIFORMS AND UNIFORMS MANUFACTURING, INC. FOR THE ANNUAL SUPPLY FOR WORK CLOTHING, PURSUANT TO BID NO. 15-019 FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88803 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and Alamar Uniforms and Uniforms Manufacturing, Inc., for the Annual Supply for Work Clothing, pursuant to Bid No. 15-019, for a four year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 9, 2015 - Clerk presented said report which was placed on file in the Office of the City Clerk. (27-1)

### PETITIONS & COMMUNICATIONS

#### REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No.15005, from AGR Agricultural Residential District to R-1 Residential District, on property generally located at South 84th Street and Van Dorn Street.

Use Permit No. 15005, to allow approximately 225,000 square feet of office floor area, with a waiver to setbacks, on property generally located at the southeast corner of South 84th and Van Dorn Streets. The Planning Commission action if final, unless appealed to the City Council.

Special Permit No. 14008A, an amendment to expand the community unit plan boundary to include additional parking, including a request to waive the front and side yard setback requirements on property generally located North 12th Street and Y Street. The Planning Commission action is final, unless appealed to the City Council.

Change of Zone 15006, from P Public Use District to R-8 Residential District on property generally located at North 12th Street and Y Street.

Special Permit No. 872H, an amendment to the Firethorn Community Unit Plan to add approximately 42 single-family lots and an outdoor recreation facility that includes the sale of alcohol for consumption on the premises, all located west of South 91st Street, with requests to waive block length, setbacks, curve radius, curb and gutter, roadway width, roadway cross section, sidewalks, street trees and ornamental lighting.  
Use Permit No. 107D, an amendment to the Firethorn Office Park to reconfigure the lot layout and slightly expand the area of the use permit, on property generally located at South 84th Street and Firethorn Lane. The Planning Commission action is final, unless appealed to the City Council.

LIQUOR RESOLUTIONS - NONE

PUBLIC HEARING - RESOLUTIONS

AUTHORIZING ACCEPTANCE OF THE LOW BID TO BRYNE & JONES, WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR THE 36TH & GLADSTONE PAVING DISTRICT NO. 2631. (3/2/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/9/15) (3/9/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/16/15) - PRIOR to reading:

FELLERS           Moved to continue Public Hearing and Action on Bill No. 15R-46 for 1 week to 3/23/15.  
                      Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Cook, Eskridge, Fellers; Gaylor Baird; NAYS: Emery.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16-28, 2015 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88804           BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated March 2, 2015, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS

Edward Ragatz	\$ 100.00
Karen Moon	NAS*
Craig & Jane Little	1,430.50
Derrick Grant	980.00
Hank Bruner	588.85
Kim Salistean	421.49
Cindy Janssen	537.41
Kellie Milleson	48.96
David Schmeling	NAS*
Gary Powell	200.00
Charles Bitker	1,249.55
Angie Korus	107.00
Cole Meyer	327.09
Elizabeth Smith	119.92
Alexander Krynsky	223.13
Matt Henderson	285.77
Nathan Trouba	658.77
Steve & Eileen	369.26
Van Zandt	
James & Alice Rotter	128.34
Kelsi Wichmann	722.05
Kendra Trumbley	96.33
Jorge Contreras	155.00

\* No Amount Specified

ALLOWED/SETTLED CLAIMS

Latitude Subrogation Services	
o/b/o Auto-Owners Insurance	
a/s/o Scott Cratsenberg	\$3,092.99
State Farm Insurance	
a/s/o Trevor Lowery	2,380.18
Amanda Burke	151.32
Farm Bureau Insurance	
a/s/o Ronald Bartek	2,089.00
Clarence Jelinek	172.17
John Carlini	60.00
Thu Pham	766.62

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of 35 their claim.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST - PRIOR to reading:

FELLERS            Moved to continue Public Hearing and Action on Bill No. 15R-50 for 1 week to 3/23/15.  
                         Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Cook,  
                         Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA GAME AND  
PARKS COMMISSION FOR A RECREATIONAL TRAILS PROGRAM PROJECT GRANT TO FUND  
CONSTRUCTION OF THE PIONEERS PARK TRAIL - PHASE III - CLERK read the following  
resolution, introduced by Trent Fellers, who moved its adoption:

A-88805            BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
                         That the Recreational Trails Program Project Agreement between the City of Lincoln and the  
Nebraska Game and Parks Commission for a Recreational Trails Program Project Grant to fund  
construction of the Pioneers Park Trail - Phase III, a copy of which is attached hereto marked as  
Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to  
execute said Project Agreement on behalf of the City.  
                         The City Clerk is hereby directed to transmit an executed original Project Agreement to Lynn  
Johnson, Director of Parks and Recreation Department, for transmittal to the Nebraska Game and Parks  
Commission.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook,  
Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER  
COUNTY RELATING TO THE COMPLETION OF VARIOUS ROAD GRADING, ROAD PAVING,  
ROAD MAINTENANCE, RESTORATION, RESURFACING, AND REHABILITATION PROJECTS  
INVOLVING SECTIONS OF ROADWAY LOCATED BOTH INSIDE CITY LIMITS AND COUNTY  
LIMITS - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88806            BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
                         That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster  
County, Nebraska relating to the completion of various road grading, road paving, road maintenance,  
restoration, resurfacing, and rehabilitation projects involving sections of roadway located both within the  
City's territorial limits and exclusively within the County, upon the terms and conditions set forth in said  
Interlocal Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the  
Mayor is authorized to execute the same on behalf of the City of Lincoln.  
                         The City Clerk is directed to forward one fully executed copy of said Interlocal Agreement to the  
Lancaster County Clerk's office, for approval by the County.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook,  
Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

#### **ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

ANNEXATION 15001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING  
APPROXIMATELY 22.5 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 94TH  
STREET AND ADAMS STREET. (RELATED ITEMS: 15-36, 15-37) (3/2/15 - PUBLIC HEARING  
DELAYED TO 3/16/15) - CLERK read an ordinance, introduced by Jon A. Camp, annexing and including  
the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map  
attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits  
boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 05054B - APPLICATION OF STAROSTKA-LEWIS, TO AMEND THE PRAIRIE  
VILLAGE NORTH PLANNED UNIT DEVELOPMENT TO EXPAND THE AREA OF THE PUD, BY  
CHANGING THE ZONING FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL  
DISTRICT PUD AND FOR APPROVAL OF AMENDMENTS TO THE DEVELOPMENT PLAN TO  
ALLOW FOR AN ADDITIONAL 155 LOTS FOR RESIDENTIAL DWELLING UNITS, ON  
PROPERTY GENERALLY LOCATED AT NORTH 90TH STREET AND ADAMS STREET.  
(RELATED ITEMS: 15-36, 15-37) (3/2/15 - PUBLIC HEARING DELAYED TO 3/16/15) - CLERK read  
an ordinance, introduced by Jon A. Camp, amending the Lincoln Zoning District Maps attached to and  
made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln  
Municipal Code, by changing the boundaries of the districts established and shown thereon, the second  
time.

#### **ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE  
ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" TO CHANGE THE PAY  
RANGE OF UTILITIES SAFETY & TRAINING SPECIALIST FROM A11 TO A13 - CLERK read an  
ordinance, introduced by Jon A. Camp, amending Ordinance No. 19904 passed August 12, 2013, relating to

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the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter “A,” by changing the pay range for the job classification “Utilities Safety & Training Specialist” from A11 to A13, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote; Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20168**, is recorded in Ordinance Book 29.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2014 AND DECEMBER 2014 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jon A. Camp, adopting the supplements to the Lincoln Municipal Code dated June 2014 and December 2014 as part of the official Lincoln Municipal Code, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote; Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20169**, is recorded in Ordinance Book 29.

CHANGE OF ZONE 05061B - APPLICATION OF NEBRASKA HORSEMEN’S BENEVOLENT & PROTECTIVE ASSOCIATION, TO AMEND THE DEVELOPMENT PLAN OF THE SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT, TO ADJUST SIGN LOCATIONS AND HEIGHT, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 77 AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Jon A. Camp, amending the Development Plan of the Southwest Village Planned Unit Development, to adjust regulations regarding the location and height of signs, on property generally located at Highway 77 and West Denton Road, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote; Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20170**, is recorded in Ordinance Book 29.

TEXT AMENDMENT 15001 - AMENDING CHAPTERS 27.02, 27.06, AND 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING ORDINANCE TO ALLOW A COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM AS A SPECIAL PERMITTED USE IN THE AG DISTRICT AND AS A PERMITTED USE IN THE I-1, I-2, AND I-3 ZONING DISTRICTS BY AMENDING SECTION 27.02.040 TO PROVIDE A DEFINITION FOR “COMMERCIAL SOLAR ENERGY CONVERSION TABLE”; AMENDING SECTION 27.06.090 TO ADD COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM TO THE UTILITIES USE GROUP TABLE; AND ADDING A NEW SECTION NUMBERED 27.63.830 TO SET FORTH THE CONDITIONS FOR PERMITTING A COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM IN THE AG DISTRICT; AND REPEALING SECTIONS 27.02.040 AND 27.06.090 OF THE LINCOLN MUNICIPAL CODE IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Jon A. Camp, amending Title 27 the Lincoln Municipal Code to allow a Commercial Solar Energy Conversion System as a special permitted use in the AG District as a permitted use in the I-1, I-2, and I-3 zoning districts by amending Section 27.02.040 to provide a definition for “Commercial Solar Energy Conversion System”; amending Section 27.06.090 to add Commercial Solar Energy Conversion System, to the Utilities Use Group Table; and adding a new section numbered 27.63.830 to set forth the conditions for permitting a Commercial Solar Energy Conversion System in the AG District; and repealing Sections 27.02.040 and 27.06.090 of the Lincoln Municipal Code as hitherto existing, the third time.

FELLERS Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote; Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, being numbered **#20171**, is recorded in Ordinance Book 29.

**RESOLUTIONS - 1<sup>ST</sup> READING**

REAPPOINTING TIM FRANCIS, JAMES MCKEE, AND GREG MUNN TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2018. (*CONSENT*)

AMENDING THE FY 14/15 CIP TO AUTHORIZE AND APPROPRIATE \$374,000.00 IN TIF FUNDS FOR THE SWANSON RUSSELL REDEVELOPMENT PROJECT.

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)**

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA GOLF AND TURF, AND EXCHANGE BANK FOR THE LEASE OF 120 GOLF CARTS AND FIVE UTILITY VEHICLES FOR USE BY THE LINCOLN PARKS AND RECREATION GOLF DIVISION - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Master Lease Agreement

between the City of Lincoln, Nebraska, Nebraska Golf and Turf, Inc., and Exchange Bank for the lease of 120 golf carts and five utility vehicles for use by the City of Lincoln Parks and Recreation Golf Division for a six-year term, the first time.

ANNEXATION 15002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10.27 ACRES OF PROPERTY GENERALLY LOCATED AT TALLGRASS PARKWAY AND ASTER ROAD. (RELATED ITEMS: 15-42, 15-43) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05085B - AMENDING THE FALLBROOK PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY OF THE PUD BY APPROXIMATELY 10.27 ACRES; APPROVING A CHANGE OF ZONE ON SAID 10.27 ACRES FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; DESIGNATING SAID 10.27 ACRES AS A PLANNED UNIT DEVELOPMENT DISTRICT; AND APPROVING AN AMENDED DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW A TOWNHOUSE DEVELOPMENT EAST OF TALLGRASS PARKWAY CONSISTING OF 36 DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT TALLGRASS PARKWAY AND ASTER ROAD. (RELATED ITEMS: 15-42, 15-43) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS TO CREATE A NEW CHAPTER 4.70 ENTITLED "CITY PERFORMANCE AUDIT COMMITTEE" TO ESTABLISH A PERFORMANCE AUDITING COMMITTEE DIRECTLY ANSWERABLE TO THE CITY COUNCIL, IN ORDER TO DO INDEPENDENT ASSESSMENTS OF THE PERFORMANCE OF CITY GOVERNMENT ORGANIZATIONS, PROGRAMS, ACTIVITIES, AND FUNCTIONS; IN ORDER TO IMPROVE PUBLIC ACCOUNTABILITY; AND TO FACILITATE DECISION MAKING BY PARTIES WITH RESPONSIBILITY TO INITIATE CORRECTIVE ACTION (INTRODUCTION DELAYED ONE WEEK TO 3/23/15, 7-0) - PRIOR to reading:

COOK Moved to delay Introduction 1 week to 03/23/15.

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 4 of the Lincoln Municipal Code relating to Boards and Commissions to create a new Chapter 4.70 entitled "City Performance Audit Committee" to establish a performance audit committee directly answerable to the City Council: to do independent assessments of the performance of City government organizations, programs, activities and functions; to provide information to improve public accountability; and to facilitate decision making by parties with responsibility to initiate corrective action, the first time.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND FOR THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Jonathan Cook, to appropriate certain projects within the Fiscal Year 2014-2015 Capital Improvement Program and to eliminate certain appropriations and approve the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund for the Public Works & Utilities Department, the first time.

#### PENDING LIST

CREATING SANITARY SEWER DISTRICT NO. 1189 FOR THE PURPOSE OF CONSTRUCTING AN 8-INCH DIAMETER SANITARY SEWER IN WINTHROP ROAD APPROXIMATELY 300 FEET SOUTH OF VAN DORN STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY. (REQUEST TO PLACE ON PENDING) (2/9/15 - PLACED ON PENDING) - PRIOR to reading:

FELLERS Moved to Withdraw Bill No. 15-21.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned the File #**38-4659** & was placed on file in the Office of the City Clerk.

**OPEN MICROPHONE - NONE**

**ADJOURNMENT**

**4:39 P.M.**

CAMP                    Moved to adjourn the City Council Meeting of March 16, 2015.  
                              Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook,  
                              Emery, Eskridge, Fellers; Gaylor Baird; NAYS None.

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Teresa J. Meier, City Clerk

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Alexis Traylor, Office Specialist